THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.18234 OF 2005

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Dt: 07.10.2005

Between:

The Mandal Parishad Upper

Primary School Education Committee

.. Petitioner

AND

The District Collector,

Srikakulam and others

.. Respondents

ORDER:

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The petitioner is a Primary School Education Committee of Chinna Murapaka Village of Srikakulam District. Its grievance is that though the competent authority had sanctioned requisite funds for construction of two additional rooms in the Mandal Parishad Upper Primary School of the village, the respondents are not taking any steps. The petitioner has referred to several facts, in relation to the sanction of the said land and the various steps that are said to have been taken in the matter of identification of land and alleged inaction on the part of the respondents.

On behalf of the respondents, a counter affidavit is filed by respondent No.4. It is stated that after the requisite amount was sanctioned, steps were taken to ground the work, but ultimately it emerged that the requisite land is not available on the site.

It is represented that about Ac.0.04 cents of land is under encroachment, and the Mandal Revenue Officer has already been addressed to identify the same, with a view to undertake construction.

Heard the learned counsel for the petitioner and the learned Government Pleader for Education.

The petitioner urged that though they have shown some open area in the school premises, the respondents are not undertaking construction on it. The respondents, on the other hand, point out that the area indicated by the petitioner does not form part of the premises of the school. According to them, about Ac.0.04 cents of the land was under encroachment and as soon as the encroachment is removed, the work would be undertaken. In paras 7, 8 and 9 of counter affidavit they have clearly indicated to that effect.

Hence, the writ petition is disposed of directing that as and when the necessary area is made available by the revenue authorities, the respondents shall undertake construction of the two additional rooms, for which the funds were sanctioned. It is also made clear that, in case, any individual or agency gifts the requisite land at a suitable place beyond any dispute, the respondents shall consider the feasibility of undertaking construction on that. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:07.10.2005

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